

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

6

U.S.C.A. #

U.S.D.C. #

08-cv-3633

JUDGE:

KMW

DATE:

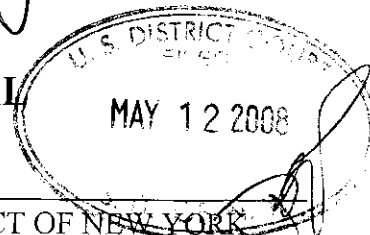
May 12, 2008

Albery

-v-

The People of the State of NY

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME):

THOMAS R. PISARCZYK

FIRM:

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK

ADDRESS:

500 PEARL STREET, ROOM 370

NEW YORK, NEW YORK 10007

PHONE NO.:

(212) 805 - 0636

DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 12th Day of May, 2008.

DATE: May 12, 2008

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 12th Day of May In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232<sup>ND</sup> year.

Deputy Clerk

APPEAL, CLOSED, MEMBER

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-03633-KMW**  
**Internal Use Only**

Albery v. The People of The State of New York et al  
Assigned to: Judge Kimba M. Wood  
Lead case: 1:08-cv-03633-KMW  
Member case: (View Member Case)  
Cause: 42:1983 Civil Rights Act

Date Filed: 04/16/2008  
Date Terminated: 04/16/2008  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
04/16/2008	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by John Albery.(mbe) (Entered: 04/23/2008)
04/16/2008	<u>2</u>	COMPLAINT against The People of The State of New York, Anthony Michel, Chignard Noelizaire. Document filed by John Albery.(mbe) (Entered: 04/23/2008)
04/16/2008		Magistrate Judge Debra C. Freeman is so designated. (mbe) (Entered: 04/23/2008)
04/16/2008	<u>3</u>	ORDER OF DISMISSAL, I grant plaintiff's request to proceed in forma pauperis, consolidate the two actions solely for the purpose of this order, but dismiss the complaints for the following reasons. Accordingly, the two complaints, filed in forma pauperis under 28 U.S.C. 1915(a)(1) are dismissed pursuant to 28 U.S.C. 1915(e)(2)(B)(ii). Since I hold that the portions of the complaints which are treated as a petition for habeas corpus relief makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. SO ORDERED. (Signed by Judge Kimba M. Wood on 4/16/2008) (mbe) (Entered: 04/23/2008)
04/16/2008	<u>4</u>	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 4/16/2008) (mbe) (Entered: 04/23/2008)
04/16/2008		CONSOLIDATED MEMBER CASE: Create association to 1:08-cv-03633-KMW. (laq) (Entered: 04/24/2008)
04/30/2008	<u>5</u>	NOTICE OF APPEAL from 4 Judgment - Sua Sponte (Complaint), 3 Order Dismissing Complaint (I.F.P.). Document filed by John Albery. (tp) (Entered: 05/12/2008)
04/30/2008		Appeal Remark as to 5 Notice of Appeal filed by John Albery. \$455.00 APPEAL FEE DUE. IFP REVOKED 4/16/08. (tp) (Entered: 05/12/2008)
05/12/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 05/12/2008)
05/12/2008		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 05/12/2008)